

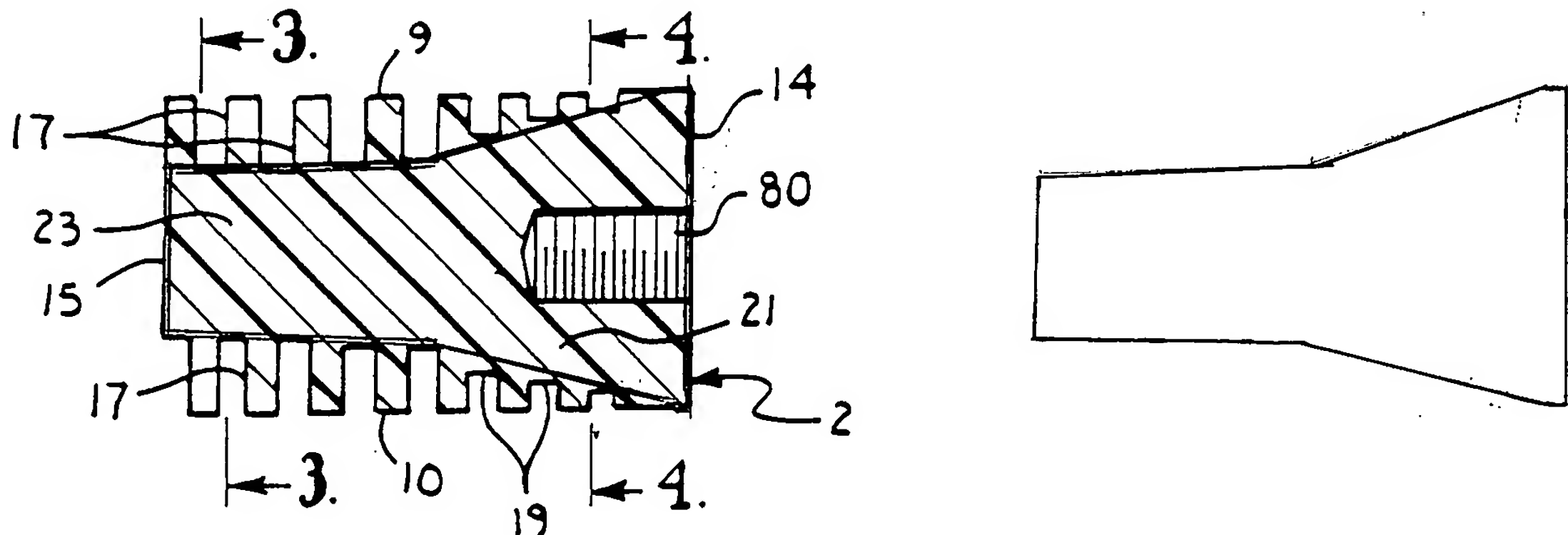
REMARKS:

The Office action mailed July 7, 2005 has been received and carefully considered. Reconsideration of the application as amended hereby is respectfully requested.

Claims 1 to 29 were rejected as anticipated by or obvious in view of Michelson, Ray and/or Shapiro.

The spacer of the present application has a body with shape that is not found in the prior art cited to date. In the application, this shape is referred to as funnel shaped or alternatively as having a truncated cylindrical posterior portion and a conical anterior portion, which is seen in cross section. For example, Fig. 2 shows a cross section of the spacer, as seen below.

Fig.2.



To the right of Fig. 2 above is the shape of the body with the threads removed. Preferably, the outer surface or crests of

the threads from a surface that follows a cylindrical path. (The shape of the body is outlined in red on the left in Fig. 2 and reproduced to the right).

This structure is especially designed to reduce the likelihood of slumping or subsidence of the vertebrae on the anterior side of the spacer. In such devices, the threads cut into the bone and/or the bone slumps or subsides about the threads onto the body. This is especially so on the anterior or front side of the spacer. In the present invention, the front or anterior end of the spacer has less thread and the body of the spacer extends further out radially, so that more solid structure is available at the anterior end to support the bones in the area most likely to subside.

This structure has been included in or emphasized in each of the independent claims.

In the Ray and Michelson devices, the body and the crest of the threads are consistent in radius or diameter throughout. In the Shapiro devices, the body has a consistent diameter throughout the length thereof and the crest of the threads follows the shape of a cone. Consequently, none of these references nor the other art of record teaches the claimed invention. Therefore, it is urged that these claims are allowable over the art of record.

The rejection of Claims 1 to 23 as indefinite is not understood. The claim language describing the body of the spacer

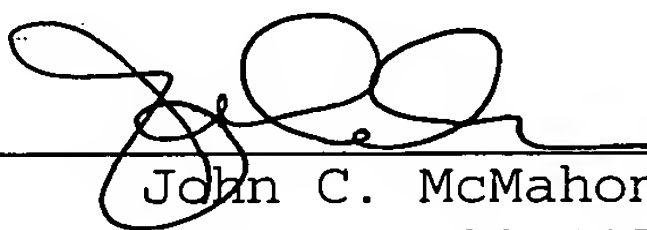
does not refer to any threads thereon, so the indication that the claims are "trying to claim the thread configuration" is urged to be in error. The configuration of the thread is not claimed until later claims, such as Claim 2.

In summary, it is urged that all pending claims are allowable and notice to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned by telephone, if prosecution of this application can be expedited thereby.

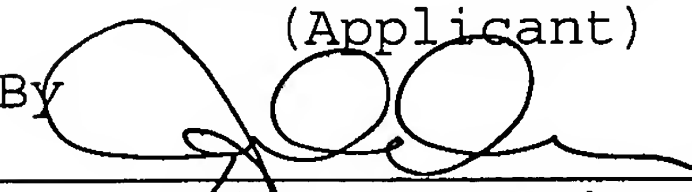
Respectfully Submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Mail Stop Amendment
Commissioner For Patents,
P.O. Box 1450,
Alexandria, VA 22313-1450 on
October 7, 2005.

Roger P. Jackson
(Applicant)
By 
John C. McMahon

October 7, 2005

(Date of Signature)